

Message Text

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62

ORIGIN SCS-03

INFO OCT-01 EUR-12 ISO-00 L-03 SCA-01 /020 R

DRAFTED BY SCA;SCS;RBOYLAN:JS

APPROVED BY SCA;SCS;AFOWLER

SCA;SCS;LPMULLIN

EUR/CE

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R 081639Z OCT 75

FM SECSTATE WASHDC

TO AMEMBASSY BERLIN

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E.O. 11652: N/A

TAGS: CGEN: (ROBINSON)

SUBJECT:TAKING OF DEPOSITION IN GDR

REF: 7 FAM 840

1. FLORIDA ATTORNEY CONTACTED DEPT REGARDING POSSIBILITY OF, AND PROCEDURE FOR, TAKING DEPOSITION OF WILLING WITNESS (GDR CIT) IN GDR.

2. GDR EMBASSY WASH STATES THERE IS NO IMPEDIMENT TO TAKING TESTIMONY IN GDR, AND THAT RIGHT TO TAKE TESTIMONY WAS NOT DEPENDENT ON TREATY. IF EMBASSY CORRECT, MATTER APPEARS TO BE GOVERNED BY LOCAL LAW.

3. EMBASSY REQUESTED TO ASCERTAIN WHETHER SUCH LAW PERMITS TAKING OF TESTIMONY FROM ANY PERSON IN GDR, FROM USC'S ONLY, OR NOT AT ALL; WHETHER DEPOSITION MAY BE TAKEN BEFORE CONOFF OR ONLY BEFORE LOCAL NOTARY (OR OTHER OFFICIAL) WHETHER PRIOR PERMISSION OF GDR REQUIRED; AND ANY OTHER RELEVANT INFO.

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4. IF TAKING OF DEPOSITIONS NOT EXPRESSLY PERMITTED BY

LOCAL LAW, DEPT INTENDS TO DISCOURAGE MR. ROBINSON FROM

ATTEMPTING TO TAKE TESTIMONY, SINCE THE PROCEDURE HE
USES (ADEQUATE OR NOT) MAY CONSTITUTE A PRECEDENT AND
PREJUDICE DEPT. EFFORTS TO INCLUDE A DEPOSITION
PROVISION IN CONSULAR CONVENTION. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 08 OCT 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE239747
Document Source: CORE
Document Unique ID: 00
Drafter: JS
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750350-0500
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751073/aaaacnlx.tel
Line Count: 67
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN SCS
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 04 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 JUN 2003 by KelleyW0>; APPROVED <07 OCT 2003 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: AKING OF DEPOSITION IN GDR
TAGS: CGEN, (ROBINSON)
To: BERLIN
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006